

Jaffa, Nominalism, and the Fate of the Common Noun

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For although it be necessary for the truth of a cognition that the cognition answer to the thing known, still it is not necessary that the mode of the thing known be the same as the mode of its cognition.

—Aquinas, ctd. in Veatch 1954, 51

So long as there is a dispute between nominalism and realism . . . a man as he gradually comes to feel the profound hostility of the two tendencies will, if he is not less than man, become engaged with one or other and can no more obey both than he can serve God and Mammon.

—Peirce 1992a, 104

Harry Jaffa is among the most important philosophers in the land. Jaffa's prominence stems from his insistence, for nearly fifty years, that the United States was born out of allegiance to natural right and that Abraham Lincoln was centrally concerned with reaffirming this foundation as he fought to preserve the Union. In its illumination of the principles underlying the United States, and in showing Lincoln's understanding of them, Jaffa's work has been largely historical. Throughout, however, Jaffa has also labored to explicate and refine the argument for the natural right philosophy that is the starting point for what Lincoln calls the "new nation" in the Gettysburg Address. In this article, I will examine Jaffa's argument and then observe that it is vulnerable to the central claim of nominalism. The primary purpose of this study is to repel the assault of nominalism by finding support for Jaffa in an unexpected quarter and, thereby, to make stronger and more resilient the argument for natural right.

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In *A New Birth of Freedom*, Jaffa painstakingly outlines the foundations of the natural politics and morality that, for him as well as for Lincoln, are prominent in the Declaration of Independence. Jaffa says,

The most fundamental of the assumptions underlying the American political tradition [by which Jaffa means the politics of natural law and natural rights] . . . is to be found in the magisterial exordium of the Virginia Statute of Religious Liberty, in the assertion that "Almighty God hath created the mind free." When the Declaration says, "We hold these truths to be self evident," it assumes that the minds holding the truths do so on the basis of that metaphysical freedom asserted in the Virginia Statute. We must understand precisely in what that metaphysical freedom of the mind consists, because the moral and political freedom asserted on behalf of mankind is grounded in it. Without this metaphysical freedom, moral and political freedom would be meaningless. And that freedom is, primarily and essentially, the freedom by which human minds perceive the universals in the particulars by which they denominate anything by a common noun. (2000, 118–19; cf. 26)¹

In elaboration, he goes on to say,

It [the common noun] is perfectly immaterial, and therefore is apprehended by the mind in abstraction from all sensible qualities.² It is this freedom of the mind from matter, when it thinks the universal, that constitutes the metaphysical freedom of the mind. The mind can think, in the human sense, only because it can abstract or separate what is intelligible from what is sensible. . . This is the metaphysical freedom of the mind that underlies all the other freedoms that we, as the heirs of Thomas Jefferson, hold dear. (119–20)

In short, the distinctive American political order has metaphysical roots. To express this point negatively, if there are no universals, there cannot be common nouns; if there are no common nouns (no "man"), there is not a morally incumbent "equality"; and if there is no morally incumbent "equality," we lack the basis for a rational and authoritative morality and politics. What Jaffa and his supporters assert—their recommendations as well as their

often pointed criticisms—rests on these foundations and can be no stronger than them.³

A New Birth is in large part a response to those who deny that the Declaration possesses such a doctrine and maintain that, even if it did, it would amount, strictly speaking, to nonsense. Among Jaffa's most prominent targets is Carl Becker, who, in launching his interpretation of the Declaration as lacking a moral doctrine susceptible to judgments of truth or lack thereof, cites in his defense Joseph DeMaistre's statement (published in 1875) that, although he has seen individual men of all sorts, he has yet to witness "man." But DeMaistre's view has its origins, and Jaffa meets his true adversary, nearly six hundred years earlier, in the work of William of Ockham, who says, "no universal is existent in any way whatsoever outside the mind of the knower" (cited in Knowles 1988, 293). What this is typically taken to mean, and how it can be said, is captured by David Knowles. After noting that Ockham represents "the complete abandonment, not only of every form of realism, but of every kind of intellectual abstraction, in his account of the process of cognition," Knowles remarks,

The universal [for Ockham] is not something real which has subjective being (that is, of its own right) either in the soul or outside the soul; it has only an objective being (that is, as the object of thought), and it is a kind of mental artefact (*et est quoddam fictivum*) having being as an object of thought corresponding to the being which the thing itself has of its own right. In other words, the universal only exists because it is framed by the mind, and the term or word (dog, rose, &c.) is a sign which we attach to our mental intuition [i.e., to our immediate apprehension of a thing without reasoning or any other operation], and which recalls it for us. As there is no such thing as a universal, and as everything whatsoever is an irreducible individual, being does not exist as a metaphysical entity, and therefore no metaphysical knowledge is possible; metaphysics in fact does not exist. (294)⁴

Knowles then highlights the momentous axiological implications of Ockham's position:

Ockham reduced all knowledge to intuition, and held that all purely intellectual apprehensions were concerned with a form of reality other than that of extra-mental beings. Intuition attained the individual, which alone existed in *rerum natura*. All judgements of value, therefore, and all arguments from causality were meaningless save as notes of observations of individual facts. (296)

Morally relevant extramental reality is an illusion. That which is essential to Jaffa does not exist for Ockham, for outside the mind there exist only particulars.⁵ This, then, is the challenge of "nominalism," the school so prominently associated with Ockham, and of which he is widely regarded as the founder.

Although Jaffa does not mention nominalism and makes no reference to Ockham, he does respond to the challenge represented by DeMaistre. What is this response, and how well does it contend with the deeper allegations? To these questions we now turn.

JAFFA'S PARTIAL DEFENSE

In his response to DeMaistre's denial of reality to the universal "man," Jaffa aptly observes that this denial "is an

epistemological thesis about human thought and reason" (2000, 118). Jaffa's opposing position, of course, constitutes such a thesis as well. In outlining his view, Jaffa begins by observing (a) that we unavoidably employ common nouns and (b) that their use is essential to language and reasoning. With regard to the first point, the nominalist is apt to agree. It is not the use but, rather, the significance of common nouns that is at issue. W. V. Quine, for example, observes that a nominalist can agree that a word may be "meaningful and useful in context [and still] maintain that the word is not a *name* of any *entity* in its own right, and it is a noun at all only because of a regrettable strain of realism which pervades our own particular language" (1949, 46). Strictly speaking, however, Quine would not say that use of common nouns is unavoidable because it is possible (though hardly convenient) to set up a language free of such names. But sometimes convenience can and should prevail. When this is the case, "we are able to talk *as if* statements were names having certain abstract entities . . . as designata [but in] so doing we do not commit ourselves to *belief* in such entities . . ." (51).

Before addressing the second point, let us consult Jaffa further:

In calling Fido a dog, we recognize the universal in the particular. We recognize Fido as a member of a species, however exceptional a dog we may think him to be. If we told someone, "We have a Fido," and not "We have a dog named Fido," he would not know what we were talking about (unless he guessed that Fido was a dog). Intelligible speech is not possible without common nouns, and every common noun is universal. (2000, 118)

We have here what might be called the argument from practicality. But, again, does Jaffa actually engage the nominalist? Nominalism has no choice but to admit that we do, in fact, talk and interact in this way. But what makes this possible, according to the nominalist, is not an entity—"dog" (or "man")—that exists independent of the individuals we encounter in our lives. There is no evidence of *that*. Common nouns instead are the creation of the human mind. A useful way to understand this point is to examine the ambiguity in the phrase "the being which the thing itself has of its own right" (see Knowles 1988, 294; Quine 1949, 46). For Ockham, the universal does not exist in "its own right." This might mean (a) the being a thing has apart and separate from everything else, including the particulars, or (b) the being a thing has apart and separate from the mind (although grasped by the mind). I have observed (n. 2) that Jaffa does not subscribe to the first of these views.⁶ He does, however, embrace the second. Ockham denies both. How so?

To answer this question, it is necessary to delve into Ockham's epistemology. He observes that in our account of the world, "certain expressions are names of first intention and others, names of second intention. Ignorance of the meaning of these terms is a source of error for many" (Ockham 1974, 73). In explaining this statement, Ockham begins by noting "that an intention . . . is something in the soul capable of signifying something else" (73). First intentions, fundamentally, are signs of particular things; that is, a first intention stands directly for a particular thing. The name

used for this natural sign is conventional. It varies by language, as in "cat," "chat," and "gato." Now, in an instance of the "razor" that Ockham is widely known to wield ("one ought not postulate many items when he can get by with fewer"), he asks whether, in regard to first intention, it is necessary to posit the existence of a concept or any other entity intermediate between the particular object and its sign. He concludes that nothing is gained by doing so: the character of first intention is satisfactorily captured by regarding it, *simpliciter*, as "an act of understanding" that is synonymous with a sign standing for some particular thing.⁷ Second intention, in contrast, proceeds from first intention. We must first have an understanding of that which is named by "cat" to talk about it falling within a class (e.g., cats are a "species," or a type of "mortal being"). Here, however, what is referred to in the proposition is not something in the world but instead a first intention, that is, a sign of some particular thing. Such a proposition does not tell us anything about the world. It cannot do so because all that exists in the world are particulars, and a statement such as "cats are a species" ("there is a species, constituted by cats") refers not to particulars but to a sign for them. In sum, with second intention, names (in this instance, "species") stand for the terms of first intention ("cat").

It seems peculiar to say that the proposition "cats are a species" tells us nothing about the world. But in reacting this way, we misunderstand Ockham. It is certainly at times useful to group cats within a class. Ockham, however, sees no need to posit beyond the particular instances of "Whiskers" or "Mittens" some other entity in the world, somehow shared by them, such as "cat-dom" or "cat nature." Cats do resemble one another. The similarities between cats are what permit us to recognize them as such things. A single term, "cat," refers to the various similar particulars. This is because behind the single term (and behind comparable terms in various languages) is the same idea and a single logical meaning. That single logical meaning results from the act of understanding that occurs during direct apprehension (mental intuition). But recognition and similarity are made possible by the characteristics of the particular cat. They do not occur in light of some nature or essence that reveals that "Tabby" is a cat.

Given the centrality of the term for Jaffa, it is important to note that "man" is particularly susceptible to the sort of "error" mentioned by Ockham. This is because we use "man" in a way that we do not use terms such as "cat," "dog," or "table." Although there is a common structure between "Socrates is a man" and "Whiskers is a cat," there is for "cat," "dog," and "table" no parallel for such sentences as "The nature of man is to seek glory" or "Man evolved over many centuries of struggle with the elements." (We do not say, "The nature of cat is to purr, prowl, and meow." We might, however, say that it is the nature of "a cat" or "cats" to be this way.) Built into our language is a propensity to use this name of first intention ("man") to refer to something eminently not particular. When speaking this way, we typically believe we are referring to something existing in the world. But Ockham would instruct us that only particulars in fact exist, and so, in holding that belief,

we are in error. "Man" in these propositions is synonymous with the *species* man (*Homo sapiens*). This term gains its meaning from our experiences of individual human beings and refers not to those particular existing individuals but instead to the term we use for such experience. The same word is being used in two different ways.

We are now in a position to ask: what, then, for Ockham, is a universal? He is forthright. After presenting five arguments in opposition to the doctrine that there is something outside the mind that exists in but is separate from particular things and then citing support for his position from the "authorities" (chiefly, Aristotle), Ockham states:

Therefore, it ought to be granted that no universal is a substance regardless of how it is considered. On the contrary, every universal is an intention of the mind which . . . is identical with the act of understanding. . . . It is a natural sign such that it can stand for [particulars] in mental propositions in the same way that a spoken word can stand for things in spoken propositions. (1974, 81)

He states later: "the universal is an intention of the soul capable of being predicated of many" (81). The "many" in this statement can, for Ockham, refer only to particulars—to the result of instances of first intention (understanding) that occur during mental intuition. Thus, a universal is the product of the mind and exists only there; it is the name applied in common to a multiplicity of particular real things. As Copleston remarks, "Universality belongs to terms or names, which are signs for classes of individual things" (1952, 126). The universal stands for those things but not for any thing separate from them. "Cat" and "man" are logical constructs, the home of which is the proposition. However, although they are one order removed from what in fact exists in the world, they are the fruit of first intention, and hence, universals do refer to a real thing in this restricted sense. For Ockham, however, what is real is particular. Nothing aside from those particulars and the operation of the mind is needed to account for what we know.

If only particulars exist and if their existence is known solely and simply via mental intuition (i.e., by direct apprehension and first intention), is there for Ockham no role for the intellect? Actually, the intellect serves a vital function in Ockham's epistemology.⁸ That something (some particular) exists is the fruit of sensation. The classification of the particular, however, is the work of the intellect. Mental intuition consists of both sensation and intellection. We witness the latter, for example, when we recognize "Tabby" as a cat. Is the universal, then, created by an act of the intellect, or is it simply discovered by it? This question is of little importance to Ockham. What is key is that the "existence of the universal consists in an act of the understanding and it exists only as such. It owes its existence simply to the intellect: there is no universal reality corresponding to the concept" (Copleston 1959, 57). And, whatever the precise role of the intellect, mental intuition consists of direct apprehension of particulars without intermediate operations or entities of any sort. Generality, for Ockham, is only in the mind and is the mind's contribution to knowing. Whatever role, then, Jaffa may assign intellectual activity, if nominalism is correct, it cannot be a means for knowing extramental (inde-

penderly existing) reality above and beyond particular things. Abstraction, strictly speaking, is impossible, for nothing is present to us other than particular things, and hence, it is nonsense to speak of anything that exists beyond them. What remains after one has peeled the onion?

Common nouns, then, provide excellent service as we make our way in the world. But the common noun is merely "a kind of mental artefact."⁹ We have no grounds for believing there to be a corresponding entity, independent of the particulars that populate the world. Therefore, an appeal to "man" cannot rationally ground political or moral theory. Or, more precisely, this appeal cannot provide a rational ground so long as we require that such a ground exist independent of human artifice and human will. It is important to note that Jaffa is quite clear on this matter: that to which he and the Declaration refer as the foundation of moral and political order is not the product of "human wishes" and, indeed, represents a "truth independent of those wishes" (2000, 118).¹⁰

Jaffa is correct in stating that DeMaistre is "talking the purest nonsense"¹¹ when he says he has seen a Frenchman and an Englishman but not "man." This is because all three terms are common nouns, just as "dog" and "mammal" are. To be consistent, DeMaistre must say that he has seen only individuals. To this amended statement, Jaffa could hypothetically ask, "How do you know that these individuals belong to the same class? And, if you can rank (and regard) some individuals as French as opposed to English, why can you not rank (and regard) some beings as human as opposed to brute or divine?" To this, the nominalist would respond by conceding that we do make all of these distinctions, but "Frenchman" no more points to something real than does "man." All that exists are individuals. The categories represented by the common nouns are the creation of the mind.

Significantly, and more deeply, Jaffa's epistemological thesis is that "man" and other common nouns represent a different sort of reality than do the individuals we constantly encounter in our world. He says,

While every individual (or *actual*) dog has a particular size, form, and color, the idea of the dog—the universal—has no material or sensible attributes whatsoever. The idea or the universal expressed by every common noun is itself entirely immaterial. The idea of the dog, perceived in every dog, is an abstraction from every possible dog. *Sensible reality can become intelligible reality* in our minds only in virtue of ideas that are themselves entirely abstracted from any sensible qualities. (2000, 119; emphasis added)

Note that, even for Jaffa, it is the individual that is "actual." His universals are neither "sensible" nor "actual"; they are "intelligible in our minds" (119). This intelligibility is the result of abstraction. But the response to Jaffa is, by now, familiar: nominalism concedes that our language contains common nouns. There is, however, nothing in our intuition (no essence or nature) to abstract, and, thus, abstraction, strictly speaking, does not exist. For nominalism, Jaffa's "intellectual reality" is an illusion. We may elect to be impressed or influenced by common nouns, but in doing so, the honest course is to admit that we are relinquishing authority to a mere creation of our mind—to what

William James calls "a bit of perverse sentimentalism, a philosophic 'idol of the cave'" (1950, 480). We are not giving way to a morally relevant reality that, in the sense required by Jaffa, exists in its own right.

RESCUE BY THE NEW NATURAL LAW THEORY?

Where, however, the nominalist would leave the field in triumph, let us instead tarry for a moment to look more closely at the character and status of that which is purportedly discovered by Jaffa's "metaphysical freedom." In doing so, we are assisted by a distinction offered by John Finnis in "Natural Inclinations and Natural Rights" and elaborated by Robert George in "Natural Law and Human Nature" (Finnis 1987, 43–55, esp. 46–47; George 1994, 31–41, esp. 35).

Finnis and George ask us to distinguish the "epistemological" from the "ontological" mode of analysis. In the epistemological mode, we recognize first principles and see that they are underived (*per se notum* and *indemonstrabilia*). They are, in other words, not deduced from propositions of speculative reason but, instead, are self-evident. Finnis and George are proponents of natural law theory. Their particular concern is to show that the first principles of practical reason are underived or self-evident (to anyone capable of understanding the words in question) and, thus, that natural law ethics is possible without illegitimately deriving "ought" from "is." Finnis and George would note, however, that first principles also provide the foundation for speculative reason. In this regard, we are reminded of Thomas Reid, who states, "all reasoning must be grounded on first principles" (1969, 234), later adding,

In every branch of knowledge where disputes have been raised, it is useful to distinguish the first principles from the superstructure. They are the foundation on which the whole fabric of the science leans; and whatever is not supported by this foundation can have no stability.

In all rational belief, the thing believed is either itself a first principle, or it is by just reasoning deduced from first principles. When men differ about deductions of reasoning, the appeal must be made to the rules of reasoning. . . . But when they differ about a first principle, the appeal is made to another tribunal; to that of common sense. (360)

We will later have occasion to return to the question of common sense.

In contrast to the epistemological mode of analysis, the ontological mode attends to the nature of something that is, in fact, in the world. In the ontological mode, one thing may depend on (the nature of) something else. For example, in the view of Finnis and George, the morality of certain acts has a "grounding" in human nature. These acts constitute a fulfilling and perfection of that nature, and it may even be said that they are (ontologically) derived from it. That such acts are good, however, *is not inferred from* what we know about that nature or from any other proposition of speculative reason. Our knowledge of what is good is (epistemologically) a function of self-evident truths; that some practice is good—or bad—is (ontologically) apparent in light of human nature and the conditions of its perfection.

Let us now return to Jaffa's foundation for politics and ethics. If Finnis and George are correct, it is vital that Jaffa not predicate moral authority on the findings of speculative reason, for, if he does, he makes the illegitimate move of inferring "ought" from "is," commonly known as "the naturalistic fallacy." If, instead, Jaffa's argument regarding the common noun partakes of the epistemological mode of analysis, he avoids this problem. And, even more important for present purposes, if Jaffa's position in fact does not necessarily depend on assertions about entities in the world (most centrally, "man"), then he would to that extent escape the allegations of nominalism. That is, the existence of universals would no longer be essential to his position.¹² But does Jaffa resort to the epistemological mode?

In responding to this question, let us look closely at what is discovered via "metaphysical freedom," and also at *how* it is discovered. To begin with, we have already seen that what is discovered through metaphysical freedom is a "truth independent of [human] wishes." In addition, Jaffa states that we "*recognize* the universal in the particular" (2000, 118; emphasis added). Later, we learn that when we grasp a universal, the mind is "emancipated from the matter about which it thinks" (120). Jaffa wholeheartedly endorses the Declaration when it states, "We hold these truths to be self-evident." Still, we are tempted to ask, "Does Jaffa view *his* truths as self-evident, and if so, what does he mean by this?" In pursuing these questions, we are stopped short by the following passage:

Man is the only species that employs common nouns as its medium of communication, and it is in this sense that man alone possesses language or speech. This is what is meant primarily and essentially by the identification of man as *Homo sapiens*. This identification is assumed by the Declaration of Independence in holding certain propositions to be true. (119)

Because the Declaration here is referring to what is self-evident, does Jaffa mean to say that man's use of common nouns ("as its medium of communication") is what permits the existence of self-evidence? This, in fact, appears to be Jaffa's view, given that he goes on to say that it is the metaphysical freedom of the mind, with its universals and common nouns, that "explains why the Declaration of Independence, in saying 'we hold these truths to be self-evident,' supposes that there is nothing illusory about the truths so held" (120). It seems, then, that there is a prerequisite for self-evidence. That prerequisite is the existence of universals.

In light of these considerations, then, it is apparent that we have been posing the wrong question. Instead of wondering whether Jaffa resorts to the epistemological mode, we might more profitably ask whether the epistemological mode does not itself presuppose the existence of universals. In pursuing this question, let us begin by examining the nature of a self-evident truth. Among its central characteristics, for Jaffa at least, is that it is "permanent . . . and . . . in no way dependent upon its recognition" (2000, 121).¹³ Now, although Jaffa's assertion that self-evident truth is permanent may raise difficulties, he is correct in averring that whatever is true transcends the instant; that is, it is not fun-

damentally individual and particular to the moment. This is because implicit in the assertion of truth is the possibility of verification. Absent this implicit claim regarding the future, talk about truth becomes empty and, indeed, speech would properly be regarded as simply an expression of the moment. In contrast, reference to truth, self-evident or otherwise, presupposes the coherence and reality of continuity and consciousness over time.¹⁴ Although, however, this condition applies to all claims to truth, there is an important defining characteristic for self-evident truth: that to which it pertains is unchanging. This is intimately tied to the linguistic character of self-evident truths—to the fact that their truth is grasped coincidentally with understanding the meaning of the terms in question.¹⁵ For our immediate purposes, the important point is this: the very concept of self-evident truth depends on the existence of universals that persist over time. The self-evident truths so important to the founders, to Jaffa, and, for that matter, to Finnis and George, would not exist were there not the universal (and yes, the common noun) "man."

We must conclude, therefore, that far from the epistemological mode serving as an escape mechanism for Jaffa from the nominalistic critique, the theories of Finnis and George are themselves susceptible to this same criticism. Finnis and George have, via the epistemological mode of analysis, avoided the naturalistic fallacy. Reference to self-evident truth provides this service for them as well as for Jaffa. Nonetheless, we have returned to our original problem.

What is needed, then, is a response to nominalism that leaves Jaffa's foundations intact. In articulating such a response, we receive guidance and support from what will strike many readers as a startling, if not downright suspect, source: Charles Sanders Peirce. Peirce, over a period of forty years, evolved from his own version of nominalism, through a variety of forms of realism, to a distinctly antinominalist position (Fisch 1967). The resulting realism, an explicit alternative to nominalism growing out of his orientation as a practicing scientist, points to an understanding of universals that is capable of securing Jaffa's foundations for politics and morality.

PEIRCE'S REMEDY

What on earth could C. S. Peirce have to offer Harry Jaffa? In answering this question, let us begin by establishing common ground via Peirce's definitions of the key terms:

Nominalism: 1. The doctrine that nothing is general but names; more specifically, the doctrine that common nouns, as *man*, *horse*, represent in their generality nothing in the real things, but are mere conveniences for speaking of many things at once, or at most necessities of human thought. . . .

Realist: 1. A logician who holds that the essences of natural classes have some mode of being in the real things; in this sense distinguished as a scholastic realist; opposed to nominalist. (Peirce, qtd. in Houser 1992, xxiv)

Although Peirce's position regarding nominalism evolved over four decades, his intellectual journey contains several prominent observations, each relevant to our inquiry, which constituted part of his final view of the matter.

Nominalism, Not Realism, Traffics in the Imaginary

As indicated by the above definitions, Peirce contrasts nominalism with what he calls "realism." It is therefore not entirely surprising to find him referring to "that strange union of nominalism with Platonism, which has repeatedly appeared in history" (Peirce 1992a, 85). Where is the Platonic element in nominalism? Peirce is explicit in closing off one possible answer to this question: "The notion that the controversy between realism and nominalism had anything to do with Platonic ideas is a mere product of the imagination" (91). His point instead is that the nominalistic rejection of universals presupposes the existence of something that a genuine realist need not and does not require. To understand this point, let us begin by recalling that for Ockham, the names we employ are, under first intention, signs of particular things. The name for a sign, although it is conventional (i.e., it varies according to the language one is speaking), refers to an idea that is caused by some individual existing thing in the world. Various instances of a single name refer to the same idea. The idea, in turn, is a response to a single logical meaning manifest in various instances of an act of understanding that occurs during direct apprehension (mental intuition). Within Ockham's epistemology, then, ideas and names derive from direct apprehension (mental intuition), where such direct apprehension is of particulars. But at the heart of direct apprehension is sensation. The object of sensation is some independently existing thing in the world. When Ockham rejects prior accounts of universals, and then formulates an alternative account that is founded exclusively on the apprehension of particulars, he does so because the prior (realistic) account offers no objects of sensation that give rise to direct apprehension of universals. Where, he asks, are these externally existing things that presumably cause the ideas of "cat," "man," and so forth?

Peirce invites us to observe that the nominalist's epistemology presupposes the existence of particulars outside the mind, and that nominalism's critique of traditional accounts of universals depends on its denial of the necessary corresponding extramental entities on which they would, under nominalist epistemology, need to depend. To the degree that the nominalist agrees that universals refer to something real, he must say that they are caused by and somehow representative of existing particulars. This is because, on the nominalist account, there are no other candidates. Only something particular can, in principle, provide the needed service. The same capacity that would allow an entity to be an object of direct apprehension and give rise to a logical meaning would make it a particular. Peirce acknowledges the power of the nominalist critique, while at the same time noting its limitations, when he observes,

Occam's [*sic*] great objection is, there can be no real distinction which is not *in re*, in the thing-in-itself; but this begs the question, for it is itself based only on the notion that reality is something independent of representative relation. (1992b, 53)¹⁶

Peirce, in other words, turns the nominalist critique back on itself. Granted, there is no evidence of an extramental thing-

in-itself that gives rise to universals. But what evidence is there for the existence of similarly autonomous particulars? These are as imaginary as anything asserted by nominalism in its criticism of the realists.

Predictably, given their close acquaintance and collaboration, William James makes a point similar to that of Peirce. In so doing, James offers an observation that has particular relevance to Jaffa. At the center of his own discussion of universals, James states that both the nominalist position and the traditional view that prompts the nominalist's ire share the assumption that "like can only be known by like," that "ideas, in order to know, must be cast in the exact likeness of whatever things they know, and the only things that can be known are those which ideas can resemble" (1950, 471; cf. 473–82). Hence, to know a universal, there must be something in the knower akin to the universal. This assumption gives rise to a familiar phenomenon:

Unable to reconcile these incompatibles, the knower and the known, each side immolates one of them to save the other. The nominalists "settle the hash" of the thing known by denying it to be ever a genuine universal; [those holding the contrary view] dispatch the knower by denying to it a state of mind, in the sense of being a perishing segment of thoughts' stream, consubstantial with other facts of sensibility. They invent, instead of it, as the vehicle of the knowledge of universals, an *actus purus intellectus*, or an Ego, whose function is treated as quasi-miraculous and nothing if not awe-inspiring, and which it is a sort of blasphemy to approach with the intent to explain and make common, or reduce to lower terms. Invoked in the first instance as a vehicle for the knowledge of universals, the higher principle presently is made the indispensable vehicle of all thinking whatever. (474)

Several matters attract our attention here. To begin with, where Peirce indicates that the nominalist and his traditional adversary share a belief that ideas are a consequence of an extramental thing-in-itself, James elaborates further: both parties to this debate typically assume that there must be some element in the knower that is of a similar character to that which is known. This is precisely the assumption called into question by Aquinas in the epigraph that opens this study. What makes this matter so significant in the present context is that the maneuver James claims that this assumption forces on those who would assert that universals are real and are captured by something similar in the mind—reference to a "quasi-miraculous" *actus purus intellectus*—appears to be employed by Jaffa when he refers to the "intelligible reality in our minds" that permits us to grasp the universal (2000, 119; cf. 40 above). In a recent article, Scot Zentner draws our attention to a discussion in which Jaffa explicitly declares that the operation of reason is mysterious and that the fact of the common noun is a miracle (Zentner 2003, 290; cf. Jaffa 1984, 71). In Zentner's analysis, Jaffa's motive in associating reason and the common noun with mystery and miracle is to remind us that reason, no less than revelation, rests on faith, and that the truly important matters are the foe they have in common and what can be done about *that*. We can, however, concur on the role of faith and the nature of the fundamental conflict while still refusing to depend on and acquiesce to mystery and miracle.

At the Heart of the Matter Are Two Senses of "Reality"

In a late-in-life essay intended to clarify his position, Peirce states,

realis and *realitas* are not ancient words. They were invented to be terms of philosophy in the thirteenth century, and the meaning they were intended to express is perfectly clear. That is *real* which has such and such characters, whether anybody thinks it to have those characters or not. (1998b, 342)¹⁷

This view is identical to that held by Peirce more than thirty years before. That is evident when, in an effort to penetrate to the core issue surrounding the question of universals, he declares that real things

are those which have an existence independent of your mind or mine or that of any number of persons. The real is that which is not whatever we happen to think it, but is unaffected by what we may think of it. (1992a, 88)

Peirce then goes on to ask whether universals partake of this character. But in so doing, he observes, "there are two widely separated points of view, from which *reality*, as just defined, may be regarded" (Jaffa 2000, 119). The first of these, widely held and embraced by nominalism, is that the real is something that stands outside the mind, constrains our sensations, and hence constrains the thoughts or "opinions" that are caused by those sensations. Peirce notes that under this conception of reality, nominalism is accurate in denying that universals exist. This is because to say that two individuals

are both men is only to say that the one mental term or thought-sign "man" stands indifferently for either of the sensible objects caused by the two external realities; so that not even the two sensations have in themselves anything in common, and far less is it to be inferred that the external realities do. (1992a, 88)

In opposition to the view that reality is something outside of us that, via sensation, causes our thoughts, Peirce offers a second understanding in which reality is that toward which the mind of man is "in the long run, tending" (89). Peirce is explicit on how the criterion of independence is preserved under this view:

This final opinion . . . is independent, not indeed of thought in general, but of all that is arbitrary and individual in thought; is quite independent of how you, or I, or any number of men think. Everything, therefore, which will be thought to exist in the final opinion is real, and nothing else. (89)

All of this is forcefully captured by Peirce in one of his most prominent essays: "The opinion which is fated to be ultimately agreed to by all who investigate, is what we mean by the truth, and the object represented in this opinion is the real. That is the way I would explain reality" (1992c, 139; a footnote by Peirce pertaining to the meaning of "fate" is here omitted).

Experience Demonstrates the Reality of Universals

Are universals real? Peirce's answer is that they can be, but whether a particular universal is, in fact, real depends on

the "final opinion" that is reached at some later time. Such opinion is a judgment made in light of the consequences that ensue from acting as though the universal were real. The evidence, then, is in the making, and it takes the form of experience. Peirce would have us understand that a universal (or "general object") is, in effect, a hypothesis. In believing in such a thing, one is predicting that certain consequences will ensue. (For Peirce, this is what belief means.) At some later time, we can, and typically will, test that hypothesis by reviewing the evidence. Under this schema, universals are just as capable of being real and belief in them as entitled to the honorific "true" as is any other conceivable candidate. No particular individual or audience is entitled to make this judgment. But some individuals and audiences are more qualified than others. The judgment of even the most qualified individuals or audiences is, in principle, subject to review and subsequent correction or rejection. This is scarcely an invitation to relativism, however, because we can and do apply criteria in evaluating audiences and their judgments. It is an expression of faith for Peirce to declare that there is a "final opinion" toward which mankind is tending. But this is far from disabling, because he would be the first to subject his own views to the tribunal he describes.

Peirce insists that his account corresponds to common sense. Unlike the nominalist, he will not "disturb the general belief by idle and fictitious doubts" (1992a, 91), and, earlier, he states, "a realist is simply one who knows no more recalcitrant reality than that which is represented in a true representation" (1992b, 53). What is immediately present to the mind in experience exists as such outside the mind (on the condition, of course, that such a claim passes the bar of final opinion). This applies to general objects. Reminding us of Jaffa's distinction between the common noun and "Fido," Peirce, in a 1903 essay, directs our attention to "the general idea of *dog*" (1998c, 222). Through observation of dogs (induction), followed by the exercise of his powers of explanatory hypothesis (what Peirce calls "abduction"¹⁸), he has "acquired some general ideas of dogs' ways, of the laws of caninity" (1998c, 223). Peirce emphasizes that we come to know dogs and understand their ways not through a fundamentally mysterious grasp of some thing-in-itself behind sensation but, instead, as a product of our mental action; that is, by perceiving certain characteristics and then confirming through experience—through practical effects—that they are actually the case. The universal "dog" is thereby real and meaningful.

Another way in which general objects are a matter of common sense is that they are "physically efficient" (1998b, 343). Assessment of an object's impact is an important element in the formulation of the "final opinion" that is central to Peirce's conception of reality. In short, general objects can and do make a concrete difference in the world. This is manifest in matters as mundane as the belief (hypothesis) that stuffy air is unwholesome (one therefore opens a window and is refreshed) or as elevated as the conviction that justice—a genuine appreciation of the concept "man"—requires the abolition of slavery (for which one therefore would put his money or even his life on the line).

(Peirce, 1992a, 88)

Indeed, Peirce's energetic comments in this connection remind us of Jaffa in his characterization of Lincoln: "the ideas 'justice' and 'truth' are, notwithstanding the iniquity of the world, the mightiest of the forces that move it." He then adds, "Generality is, indeed, an indispensable ingredient of reality; for mere individual existence or actuality without any regularity whatsoever is a nullity. Chaos is pure nothing" (343).

When we recall the debt that appeals to justice and truth owe to the universal "man," we see, following Peirce, that Jaffa's common noun has a meaning and significance that are not discernible via the categories and preoccupations of the nominalist.

CONCLUSION

Peirce's philosophy permits the return of the metaphysics that was banished by Ockham's nominalism. By emphasizing that reality is in the making and by directing our attention to the laws and regularity that are known through common sense and constitute the subject matter of science, Peirce provides us—including Jaffa—with a solid ground for general objects and, hence, universals. The common noun "man" indeed has a meaning, based on its significant actual and potential efficacy. "Man," and the moral and political theory Jaffa would build on this universal, is secure so long as we steer clear of the nominalistic premise.

Nominalism claims that there is nothing actual in the world aside from particulars. Nothing therefore exists that can affect our minds such as to provide what Jaffa requires to ground politics and morality. But nothing *actual* is required! Peirce spells out what Jaffa leaves unsaid: there is something real, external to and independent of the mind, that offers the influence and significance Jaffa requires without claiming the influence and significance to which nominalism appropriately objects. In this way, the problem of nominalism goes away. Jaffa's common noun, and all that rests on it, is safe.

Does this, then, make Jaffa a pragmatist? Must natural law and natural right be subsumed under pragmatism—or, more accurately, under Peirce's "pragmaticism" (1998b, 334–35)—for them successfully to withstand the onslaught of nominalism? The answer to both of these queries is absolutely not. Our intention has been much more modest. The appeal to nature to guide politics and morality requires a solid ground. There is strong reason to believe that this solid ground requires the existence of universals. Without them, the entire edifice faces collapse. But nominalism is a flawed doctrine. Peirce shows how this is the case, and he points to an alternative understanding of reality and truth in light of which universals can and do play the foundational role outlined by Jaffa.

Is natural right compatible with Peirce's understanding of reality and truth? Does Peirce's remedy extol too high a price? There are several aspects to this question. To begin with, one might ask whether the matters that are vital and so urgent to Jaffa can have such stature for a "pragmaticist." In answering this query, the second of the epigraphs for this article is apt. It is clear that, in Peirce's mind, the choice

between nominalism and realism is fundamental. Decision on this matter will determine not only what one believes but also the kind of person one will be. Peirce's sense of the stakes involved in understanding the role of universals (and hence the common noun) is abundantly clear from the closing words of his essay on Berkeley:

The question whether the *genus homo* has any existence except as individuals, is the question whether there is anything of any more dignity, worth, and importance than individual happiness, individual aspirations, and individual life. Whether men really have anything in common, so that the *community* is to be considered as an end in itself, and if so, what the relative value of the two factors is, is the most fundamental practical question in regard to every public institution the constitution of which we have it in our power to influence. (1992a, 105)

Although Peirce lacks the prose of Lincoln and the fire of Jaffa, in his acknowledgment of the indispensable role played by the concept "man," he is second to none. He sees clearly that the world is momentarily different when the common noun is understood to be real.

But can the proponent of natural right accept Peirce's view that the universal, although real, is not actual? In the case of Jaffa, at least, this is not a problem. We saw earlier that he maintains that although the individual is actual, the reality represented by the common noun is not. It constitutes a different sort of reality. Peirce and Jaffa are one in their opposition to monism and, in particular, they stand opposed to materialism.¹⁹

Peirce's emphasis on the significance of "mental influence" (n.16) summons an image of idealism—and suggests a relativism—that is embarrassing to the moral realist. By his reference to mental influence, Peirce wishes to emphasize that universals are no more independent of and inaccessible to us than are particulars. The existence of both involves the participation of mind. It is important to note, however, that for Peirce, reality is "out there," independent of the individual mind.²⁰ His point is that reality is not independent of humanity taken as a whole. Reality is that toward which mankind over generations is moving. It is an achievement over time. Granted, there is nothing like this in Jaffa. But this emphasis on reality in the making does nothing to diminish the significance of universals, and it is not incompatible with Jaffa's use of the common noun. Indeed, if our thesis is correct, it is precisely what is required to preserve the power of Jaffa's position on natural right during the assault by nominalism. This preservation occurs, moreover, without the need to posit the *actus purus intellectus* critically cited by James.²¹

Self-evident truth is, in the end, the foundation of the natural-right philosophy of morality and politics. What is clear from Jaffa, as well as from commentators such as Hadley Arkes (1986, esp. 36–50 and chs. 4 and 8), is that the self-evident truth that underlies the doctrine of natural right emerges out of our understanding of man as a moral and rational being. This is to say that the fundamental normative principles of morality and politics become evident to the degree that we dwell on the meaning of "human being" and understand the logic of the morals that such a

creature does and cannot help but possess. For Peirce, no less than for Jaffa, this truth is real and in the nature of things. Equally important, once discovered and understood, this truth makes a difference—perhaps the greatest difference imaginable.

In regard to the question of universals, then, the politics and morality of Nature are secure. Proponents of natural law and natural right ought to speak and act accordingly, thereby further demonstrating not only the sense but also the truth of that which they believe.

NOTES

1. The central phrase here is "on behalf of mankind." The primary self-evident truth is that "all men are created equal." That truth follows from the meaning of the universal "man." (See 120. Cf. 4, 21, 37, and 114.)

2. But not *apart from* "all sensible qualities": the universal (the common noun) is found in the particular things. And hence, the universal on this account is as much external to the mind as is the particular.

3. Jaffa's reference to the common noun long predates the publication of *A New Birth of Freedom*. His former students recall, with respect and affection, the "common noun lecture," and we will find reference to such in their course notes. More formally, Jaffa provides a synopsis of the argument for the common noun (as opposed to the argument *from* the common noun that is predominant in *A New Birth*) in a 1957 article, titled "In Defense of the 'Natural Law Thesis'" (1999). The purpose of this article is to refute "the epistemological theory of value non-cognitivism" that was advanced to defeat the natural law thesis. Unsurprisingly, the existence of universals (common nouns) is at the heart of Jaffa's position. His elaboration here of the argument for the common noun, however, adds nothing of substance to what we find in *A New Birth*, and shares the same premises. Nevertheless, this essay is a useful second source of Jaffa's epistemology and shows the consistency and long tenure of his position.

4. This dismissal of metaphysics will appear familiar to students of twentieth-century philosophy, as suggested by the following comment by Frederick C. Copleston: "In Ockham's discussion of universals we see how the interest is shifted from metaphysical questions to an analysis of the propositional function of terms" (1952, 127). Copleston reminds us, however, that Ockham was first and foremost a Christian theologian. He viewed his dismissal of metaphysics as critical to the rescue of Christian doctrine from the contamination of Greek philosophy. Whether Ockham's attack on metaphysics, along with the corresponding emphasis on propositional logic and the analysis of terms, is compatible with modern assaults on essence will depend on the degree to which those assaults are compatible (as, for example, in Wittgenstein) with respect for religion and revelation.

5. Strictly speaking, we should add, "and God Who created them." Although the particulars are apprehended through intuition, God can be known only through revelation. It heightens the conflict between Ockham and Jaffa to note that universals (and, through them, any immutable natural law) would, for the former, constitute a restriction on God. For Ockham, nothing (except contradiction) limits God. In this sense, Ockham's rejection of universals is a component of pure revelation's assertion of authority over any and all claims of (philosophical) reason.

6. As Jaffa says, universals "do not arise in us without sensation." He goes on to say that this "does not mean that they arise *from* sensation" (1999, 196). The nominalist would agree, but not in the way desired by Jaffa.

7. Cf. Carre 1950, 114: "First intentions or primary experiences are direct intuitions of things, the mental responses to objects." Precisely because its discussion of the common noun is brief and penetrating, Jaffa's 1957 article illustrates that herein lies the heart of the disagreement between him and nominalism. Jaffa claims, "what is indisputable . . . is that every noun . . . is entirely subjective in that it is *a priori* with respect to the sense-data it orders and pre-exists in the mind of the man making the judgment of fact before he makes it. Yet it is objective insofar as it forms a predicate that is inter-subjectively communicable and presupposes an order of things common to the speaker and his actual or potential addressees" (1999, 196). Jaffa, in other words, does not follow Ockham in wielding the razor. This is due to his belief that "[i]f the reality denominated by this predicate were not conceived as objective and the noun the reflection of that reality, its effect rather than its cause, then articulate speech would be mere solipsist fantasy" (196). But this conclusion follows only if Ockham's intuition of particulars is insufficient to establish meaningful speech and ensuing practical activity. By not addressing the razor, Jaffa has begged the question.

8. This summary follows Carre's account (1950, 110).

9. Knowles 1988, 294. This is taken from the longer quote on p. 38 of this article.

10. See also Jaffa 1999, 199.

11. Jaffa 2000, 119.

12. Not "essential" but perhaps still important: insofar as Jaffa's moral authority exists independent of reference to real entities in the world (*viz.*, universals), he is not subject to the nominalist critique. In the same way, however, as Finnis and George employ the ontological mode of analysis as well as the epistemological mode, Jaffa could, logically, assert that universals exist even while not inferring moral authority from them. To that extent, then, nominalism would still be valid.

13. As we shall see, this is saying too much. A truth, to exist, need not be recognized by any particular person, by any particular assembly of persons, or even by entire nations or eras. But that such recognition has occurred, *or could possibly occur in the future*, is essential to any responsible use of the term "truth."

14. The implications of holding to the contrary are powerfully illustrated by George Santayana. See Santayana 1955, esp. ch. 6.

15. It is most interesting that Ockham does not agree with this statement: he says, "Certain first principles are not known through themselves (*per se nota* or analytic) but are known only through experience as in the case of the proposition 'all heat is calefactive'" (qtd. in Copleston 1959, 60). This is a peculiar claim, because an understanding of either "heat" or "calefactive" entails the other and, hence, the truth (if not the empirical value) of the proposition is evident on linguistic grounds alone. Compare "The coals are calefactive," which, although hardly *per se nota* or analytic, is known through experience, conveys empirical content, and is subject to (empirical) verification. Be this as it may, because our point is that, for Jaffa (as well as Finnis and George), self-evidence depends on universals, we need not address Ockham's view on the matter here.

16. Although it is somewhat tangential to our focus in this section, it is still useful to further cite Peirce in regard to the "alliance between nominalism and Platonism": "The reason for this odd conjunction of doctrines may perhaps be guessed at. The nominalist, by isolating his reality so entirely from mental influence as he has done, has made it something which the mind cannot conceive; he has created the so often talked of 'improportion between the mind and the thing in itself.' And it is to overcome the various difficulties to which this gives rise, that he supposes this *noumenon*, which, being totally unknown, the imagination can play about as it pleases, to be the emanation of archetypal ideas. The reality thus receives an intelligible nature again, and the peculiar inconveniences of nominalism are to some degree avoided" (1992a, 100). Cf. the much later Peirce 1998a, 181.

17. This essay was published in 1905. Most of the passages from Peirce cited so far are from the Berkeley review (1992a) published in 1871.

18. The concept of abduction is prominent throughout Peirce's work. For one concise account of its unique nature and role, and the relation of abduction to induction and deduction, see 1998c, 216.

19. Peirce refers to "those daughters of nominalism—sensationalism, phenomenalism, individualism, and *materialism*" (1992a, 104; emphasis added).

20. Facts "belong to Nature; and Nature is something great, and beautiful, and sacred, and eternal, and real—the object of . . . worship and . . . aspiration" (Peirce, qtd. in Nagel 1997, 129).

21. *Ibid.*, 22.

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